

G. R. S. IX-5]

Previous references

Ln 121-18-1

Later references.

Reserve

1918-19  
(Contd.)

File No. 81-18

Serial Nos. 143

## GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 143

Part B for March 1919

### SUBJECT.

Notice to be taken of the conduct of Mr. D. S. Chakrapani Rao, Amildar, Pagar Taluk in connection with certain derelictions in his duties as a Magistrate and head of the Taluk office.

81) From the Registrar, Chief Court in Mysore  
No 259 of 25-9-1918

Forwarded for information a copy of the judgment of the Chief Court in Criminal Appeal Case No 14 of 1918-19.

Orders issued in Rev Secy

WD 788-GPB-5,000

Vide G.O. No R 12685-7 of 31-3-1919  
Ln 121-18-1

Mr. M. S. Rahman  
3/4/1920

191.8.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

## NOTES.

File No. 81-18

FILE HEADING.

FILE HEADING.  
Work of Mr Chakrapani Rao, Amildar  
Magistrate of The Sagar Taluk

From

The Registrar, Chief Court

No. 22 Dis-259 Dated 23 - 9-1918 Received 28-9-1918  
18-19  
25

Diary No. 4677

Enclos. /

Spare Copies:

Serial No.

### BRIEF ABSTRACT OF LETTER.

Forwards for information a copy of the  
Judgment of The Chief Court in civil appeals  
No. 14 of 1918-19.

## NOTES AND ORDERS.

1) Subd. for orders with reference to the last para of The Judgment.

86. 29) the conduct of the Amildar really deserves strong  
censure. Inb for favour of personal order

NOTES — First Sheet.

WD 1232-GPB-20,000-18-11-16

1626-3) Mrs. J. W. W. W. W. W.  
W. W. W. W. W. W. W. W. W.  
W. W. W. W. W. W. W. W. W.  
W. W. W. W. W. W. W. W. W.

Serial  
No.

88  
17/10

Second Member)

4) In favour of Devan's proposal and  
order.

88  
24/10

Chief Secy)

5) May be considered  
at a meeting of Council

Devan rat. 1/8

6) The 2nd Member of Council may be  
requested to suggest action to be taken which may be  
considered at a meeting of Council.

25-11-18

2nd member)

7) Formal notice calling for  
R/p in C.C. put  
May be sent for

26/11/18  
26/11

8) Draft sent  
3/12

18/12/18  
3/12

Serial  
No.

2

To the Rev. Commr.

No 9 106 10

D. 5-12-18

Forwards copy of judgment  
in Crl. Appeal No. 18 of 1918-19 in  
the file of the Chief Court for  
communication to Mr. Chakrapani Rao & requests that his  
explanation may be noted & for-  
warded to Court.

3

From the Rev. Commr.

e 22/12/18 - 18-1-19

Forwards the explanation of Mr.  
Chakrapani Rao.

(12) Sdho. with reference to para 7 supra  
& the Rev. Commr. It is stated  
25/1/19. a further report will be sub-  
mitted in the matter.

(13) This shd be linked  
with the Police file regard-  
ing the same matter.

8/12/18

27-1-19

(13) Mr. Chakrapani Rao  
was once degraded for  
in some connection a  
few years ago. As the

Serial  
No.

Revenue Commr is likely to refer to that file again his report has to be called for in this matter.

8/10/18

Chief Secy)

27-1-19

(14) Action to be taken may be considered at a Commr meeting.

Tsmp's member }  
1st member }  
Dewan }

CSG

28/1/19

P. M.  
30/1

Redd

(15) 29. The same matter has come up under this side too.

With

The

(16) 29. may be considered at a meeting of 27/2

49. Previous records the brought up

(17) The 455000 will hand to the  
Special Case before 1/19  
or Cases.

(18) 1/19 is a very serious case & deserves drastic action

4/18/19

L.S. 67

14-2-19

in Heblun to

not

Pmt

see page 7

NOTE - Conts. the

services of

19-2-19

2/19

Circulate

CSG

17/2

P. M.

emad

(For Disposal at a Meeting)

No. C. 628

21.2.1919

GENERAL AND REVENUE SECRETARIAT

COUNCIL MATTER.

SUBJECT.

(Clause V of the Schedule.)

Notice to be taken of the conduct of Mr. S. Chakrapani Rao, Amildar, Sagar Taluk, in connection with certain derelictions in his duties as a magistrate and head of the Taluk Police.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

*S. Ramaswami*

.....20th February.....1919.

for Chief Secretary to Government.

Extraordinary Member of Council.

First Member of Council.

Seen.

4750-174  
21-2-19 Second Member of Council.

Temporary Member of Council.

WD 2670--GPB--1,000--11-5-17

*Seen*  
*Recd*  
22.2.19  
Seen.

Extract from the Proceedings of the 480th Meeting of the Council of His  
Highness the Maharaja, held at Bangalore on the 27th February 1919

---

8. Subject.—Clause v of the Schedule.

Notice to be taken on the conduct of Mr. M. Chakrapani Rao, Amildar, Sagar Taluk, in connection with certain derelictions in his duties as a Magistrate and Head of the Taluk Police.

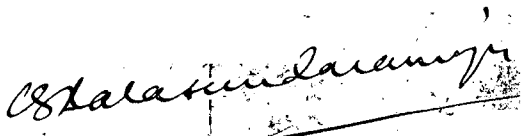
Opinion of the Council.

Mr. Chakrapani Rao may be reverted to a ministerial post in the Revenue Department as a Head Clerk on Rs.80-100.

Sd. A.R. Banerji,

Offg. Dewan of Mysore.

“EXTRACT”



Chief Secretary to Government.

Serial  
No.

D. F. N. Sub H.

1<sup>st</sup> member)

cty

3/3/19

Vide pencil note in margin p. 2.  
Please confer with the atty. gen. = 4 8/19

Revised D. F. N. Sub H.

1<sup>st</sup> member

cty

6/3/19

H. H. 6/5/19

D. S. N. Submitted?

Dewang

Undy

cty

8/3/19

FINAL NOTE BY THE FIRST MEMBER OF COUNCIL.

---

SUBJECT: Notice to be taken of the conduct of Mr. M. Chakrapani Rao while he was Amildar, Sagar Taluk, in connection with certain derelictions of duty as Magistrate and head of the Taluk Police.

---

A first class Police Constable in charge of Masur Outpost, Sagar Taluk, by name D'Souza, was accused of the murder of one Hala by shooting him with a gun on 19th January 1918, and was sentenced to transportation for life on 30th May 1918 by the Sessions Judge, Shimoga Division.

2. The prisoner appealed to the Chief Court. The Judges of that Court upheld the conviction and sentence, and in the concluding portion of their judgment they observed as follows:-

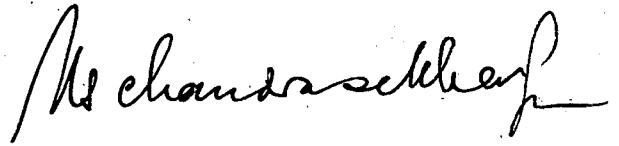
" In conclusion we regret to observe that the Amildar, (the defence 1<sup>st</sup> witness Mr. Chakrapani Rao ) failed in his duty as head of the Police in not himself undertaking the investigation of a serious case of this kind in which a first class Police Constable was accused of committing a murder; his explanation that he 'thought the Inspector's investigation was as good as myself (sic)' is no explanation at all for so glaring a neglect of duty on his part."

3. The explanation of Mr. Chakrapani Rao was called for by Government. He says that by the time he went to the scene of the murder the Police Inspector who had gone in advance had just begun the inquest, that he examined the dead body, and took notes in his diary of what he observed, that he took a seat by the side of the Inspector till the inquest report was completed, and that all the important witnesses were examined before him. His attempt <sup>thus</sup> to explain away the omission to conduct the investigation of the case himself - is not satisfactory.

4. The notice to be taken of the conduct of this Office, was considered in Council. The Members are of opinion that Mr. Chakrapani Rao may be reverted to a ministerial post in the Revenue Department as a Head Clerk on Rs. 80-100.

The recommendation of the Council may be approved.

7th MARCH 1919.



FIRST MEMBER OF COUNCIL.

*Submitted to His Highness.*

---

*I submit herewith a Final Note by the First  
Member of Council on the subject of the notice to be Taken  
of the Conduct of Mr. M. Chakrapani Rao, while he was Amildar,  
Sagar Taluk, in connection with certain derelictions of duty as  
Magistrate and head of the Taluk Office,  
for His Highness' gracious approval.*



Dewan.

10. 3. 19

Record of Cases submitted for the Orders  
of His Highness the Maharaja.

Subject.



Notice to be taken of the conduct of  
Mr. M. Chakrapani Rao, as Amildar Magistrate,  
Sagar Taluk.

923.

Order.

KRM

12/3/19

Chief  
Rao

7/3.3

General and Revenue  
Secretariat.

@5 File No.

87 of 1918

Serial  
No.

Orders issued in Rev-Sect.  
wise R. o No R 12685-7  
L. R 121-18-1  
D 31-3-1919

B  
67  
CHIEF SECRETARY  
III  
PROTECTION  
31 JUL 1919

82 Dis No 359 4-18-19 Cont.  
A.D. 1918  
chiller  
26 SEP 1918  
ccg  
15

9. 4677  
CB 87-18-1.

Chief Court of Mysore

Bangalore.

Dated 23rd September 1918.

25

From

N.T. GOPALIENGAR, Esquire, B.A., LL.B.,  
Registrar of the Chief Court of Mysore.

To

G.S. BALASUNDARAM IYER, Esquire, B.A.,  
Chief Secretary to the Government of Mysore,  
Bangalore.

S i r,

I am directed to forward herewith for the information of the Government a copy of this court's judgment in Criminal Appeal No. 14 of 1918-19 containing an observation regarding the work of Mr. Chakrapani Rao, Amildar of the Sagar Taluk.

I have the honour to be,

Sir,

Your most obedient servant,

N. Gopalengar

REGISTRAR.

N

N.G.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Wednesday, the 11th day of September 1918.

Present.

Mr. Justice K.S. CHANDRASEKHARA AIYAR,

and

Mr. Justice T. PARANASIVA IYER.

Petition of Criminal Appeal  
No. 14 of 1918-19 against the con-  
viction and sentence by the Ses-  
sions Judge of Shimoga Division,  
under section 302 of the Indian  
Penal Code in Shimoga Sessions  
Case No. 6 of 1917-18.

APPELLANT.

D<sup>r</sup> Souza

(Accused)

J U D G M E N T.

We have carefully examined the evidence in the case, and feel no reason to doubt the correctness of the conclusion ~~at~~ arrived at by the learned Sessions Judge, in concurrence with the unanimous opinion of the assessors, as to the guilt of the appellant. The prosecution 1st and 2nd witnesses Mutchu and Byra swear that the appellant snatched the gun, Article 1, from the hands of Byra after giving him a few blows; that when Byra cried out, the

*deceased -*

deceased Hala came and stood on the steps of the temple (on the pial of which the appellant was standing) and remonstrated with him for ill-treating the boy; and that thereupon the appellant, who got enraged, abused Hala, and fired the gun at Hala, who fell down dead. The prosecution 3rd witness Dabba, who was attracted by the cries of Byra, corroborates these witnesses to this extent that he says he heard the report of a gun when he approached the temple, that he saw the appellant and two others running away, and that prosecution 1st witness told him that the appellant shot his brother dead and ran away.

We do not find anything in the examination of these witnesses to suggest that they are falsely implicating the appellant. Extracts from the statements said to have been made by them at the time of the inquest have been put in to show that they are now enlarging upon the statements that they originally made; but, as pointed out by the Sessions Judge, there is reason to suspect the accuracy if not the bona fides of the inquest proceedings held by the Taluk Inspector.

In the report Exhibit P<sub>1</sub>, that was sent the next morning by the Patel (the 4th witness for the prosecution) to the Police Station, the information given by Ruteha (the 1st witness for the prosecution) is reproduced with this difference that he is represented to have said that the people of the village came on hearing the galata (i.e. Byra's cries), and that the appellant then took the gun and shot at the people standing. It is possible that this was an intentional variation by the Patel, (who, it may be observed in passing, lives five miles from Santi-

Suntekoppa, where he ought under the rules to reside), a variation made in consultation with the other Patels whom he had admittedly taken into confidence; in any case, it does not help the defence in any way. It is not the case for the appellant as put forth either before the Committing Magistrate or in the Court of Session that he himself held the gun and that when he was attacked by villagers the gun went off accidentally. The report Exhibit P<sub>3</sub> which he sent off to the Station House Officer on the morning after the occurrence merely states "that the villagers were struggling with one another", and that while they were so struggling the gun went off, and Hale died from the effect of it. In his defence at the trial he improved upon this by adding that the villagers brought another gun with them which they left behind in the temple, and took away the one which had gone off and hit Hale, -- a patently false story which the defence 2nd and 3rd witnesses have been suborned to support. It is much more probable that the villagers collected at the spot after hearing the report of the gun than that they merely came in response to Byra's cries and in order to resist the Police constable in the execution of what presumably lay within the scope of his duties.

The medical evidence shows that the shot must have been fired from a distance of only about a foot; and this taken in conjunction with the ~~amr~~ words that passed between the appellant and the deceased, strongly suggests that the former must have deliberately aimed at the latter. In the circumstances we cannot but uphold the conviction of the appellant for murder; and the sentence of transportation for life, which the Sessions Judge has awarded

on the ground that there was no premeditation, is the least that the law allows to be inflicted. The appeal is accordingly dismissed.

In conclusion we regret to observe that the Amildar (the defence 1st witness; Mr. Chakrapani Rao) failed in his duty as head of the Taluk Police in not himself undertaking the investigation of a serious case of this kind in which a first class Police Constable was accused of committing a murder; his explanation that he "thought the Inspector's investigation was as good as myself (sic)" is no explanation at all for so glaring a neglect of duty on his part.

(SD) K.S.CHANDRASEKHARA AIYAR,

J U D G E.

(SD) T. PARAMASIVA IYER,

J U D G E.

"C O P Y"

*S. Venkata Ranga Iyengar*

REGISTRAR in Charge.

*Ca*

H.G.

IN THE CHIEF COURT OF MYSORE AT BANGALORE. WEDNESDAY

THE 11TH DAY OF SEPTEMBER 1918.

Present.

Mr. Justice K.S. Chandrasekara Aiyar,

and

Mr. Justice T. Paramasiva Iyer.

|                                            |            |
|--------------------------------------------|------------|
| Petition of Criminal Appeal No.14          |            |
| of 1918-19 against the conviction and sen- | Appellant. |
| tence by the Sessions Judge of Shimoga -   |            |
| Division, under section 302 of the Indian  | D'Souza.   |
| Penal Code in Shimoga Sessions case No. 6  |            |
| of 1917-18.                                | (Accused)  |

J u d g e m e n t .

We have carefully examined the evidence in the case, and feel no reason to doubt the correctness of the conclusion arrived at by the learned Sessions Judge, in concurrence with the unanimous opinion of the assessors, as to the guilt of the appellant. The prosecution 1st and 2nd witnesses Hutcha and Byra swear that the appellant snatched the gun, Article 1, from the hands of Byra after giving him a few blows; that when Byra cried out, the deceased Hala came and stood on the steps of the temple (on the pial of which the appellant was standing) and remonstrated with him for ill-treating the boy; and that thereupon the appellant, who got enraged, abused Hala, and fired the gun at Hala, who fell down dead. The prosecution 3rd witness Dabba, who was attracted by the cries of Byra, corroborates those witnesses to this extent that he says he heard the report of a gun when he approached the temple, that he saw the appellant and two others running away, and that prosecution 1st witness told him that the appellant shot his brother dead and ran away.

We do not find anything in the examination of these witnesses

witnesses to suggest that they are falsely implicating the appellant. Extracts from the statements said to have been made by them at the time of the inquest have been put in to show that they are now enlarging upon the statements that they originally made; but, as pointed out by the Sessions Judge, there is reason to suspect the accuracy if not the bona fides of the inquest proceedings held by the Taluk Inspector.

In the Report Exhibit P<sub>1</sub>, that was sent the next morning by the Patel (the 4th witness for the prosecution) to the Police Station, the information given by Hutcha (the 1st witness for the prosecution) is <sup>re</sup> preceded with this difference that he is represented to have said that the people of the village came on hearing the galata (i.e., Byra's cries), and that the appellant then took the gun and shot at the people standing. It is possible that this was an intentional variation by the Patel, (who, it may be observed in passing, lives five miles from Suntékoppa, where he ought under the rules to reside), a variation made in consultation with the other Patels whom he had admittedly taken into confidence; in any case, it does not help the defence in any way. It is not the case for the appellant as put forth either before the committing Magistrate or in the Court of Session that he himself held the gun and that when he was attacked by villagers the gun went off accidentally. The report Exhibit P<sub>3</sub> which he sent off to the Station House Officer on the morning after the occurrence merely states "that the villagers were struggling with one another", and that while they were so struggling the gun went off, and Hala died from the effect of it. In his defence at the trial he improves upon this by adding that the villagers brought another gun with them which they left behind in the temple, and took away the one which had gone off and hit Hala, a patently false story which the defence 2nd and 3rd witnesses have been suborned to support. It is much more probable that the villagers collected at the spot after hearing the report of the gun and that it was the Byra who fired the shot which hit Hala.

gun than that they merely ~~acted~~ in response to Bvra's ~~challenges~~ and in order to resist the Police constable in the execution of what presumably lay within the scope of his duties.

The medical evidence shows that the shot must have been fired from a distance of only about a foot; and this taken in conjunction with the words that passed between the appellant and the deceased, strongly suggests that the former must have deliberately aimed at the latter. In the circumstances we cannot but uphold the conviction of the appellant for murder; and the sentence of transportation for life, which the Sessions Judge has awarded on the ground that there was no premeditation, is the least that the law allows to be inflicted. The appeal is accordingly dismissed.

In conclusion we regret to observe that the Amildar (the defence 1st witness) Mr. Chakrapani Rao) failed in his duty as head of the Taluk Police in not himself undertaking the investigation of a serious case of this kind in which a first class Police Constable was accused of committing a murder; his explanation that he "thought the Inspector's investigation was as good as myself (sic)" is no explanation at all for so glaring a neglect of duty on his part.

Sd/- K.S. Chandrasekhara Aiyer.

J u d g e.

Sd/- T. Paramasiva Iyer.

J u d g e.

" C O P Y ".

*Sd/-*

*for* For Chief Secretary to Government.  
*Hq.*

THE COURT OF SESSIONS SHIMOGA DIVISION

Dated, Shimoga the 30th May 1918.

Present.

B. HAGAPPA, Esquire, Barrister-at-law,

Sessions Judge.

SHIMOGA SESSIONS CASE NO. 6 of 1917-18.

Complainant.

Government of Mysore.

Vs.

Accused.

D'Souza.

JUDGMENT.

The prisoner D'souza a Police Constable is indicted for the murder of Kala, a holiyar aged 30 years, of Suriguppa village, Sagar Taluk, by shooting him at Bhyradovaru Temple of that village on the evening of January 19, 1918.

The theory of the prosecution is perfectly simple and may briefly be stated as follows:-

The prisoner is a Police Constable (1st class) in charge of Nasur out-post Sagar Taluk. Hutch (PW.1) and Bhyra (PW.2) belong to Suriguppa village within the limits of that out post. On the evening of January 19, 1918, the prisoner Forester Fernandes, Head Guard and 3 guards went to Suraguppa and met Hutch in his Chilly garden and took him forcibly to a tank to search for logs illicitly felled. There were two logs and bamboos in the tank. Hutch was made to drag them to the bund. Then the party took Hutch to the Forest to find out whether any timber was unauthorisedly cut. Finding none they came to Bhyradovaru Temple in Suriguppa village. Hutch was made to sweep the premises. While he was so engaged (Bhyra (PW.2) was seen going to his house, carrying a loaded gun with him. The prisoner went up to him, stopped him and attempted to snatch the gun from him. He asked him to produce the license. Bhyra told him that the license was given

given to the taluk authorities and had not been received from them and that he would not deliver the gun.

Thereupon the prisoner dealt 3 or 4 blows on his cheek and snatched the gun from him though Bhyra remonstrated and told him that it was loaded. Bhyra cried for help. Then Hala the brother of Hutcha PW.1 came to the spot and stood on the steps of the temple and interceded on behalf of the boy Bhyra. He asked the prisoner why he had beaten the boy well knowing that he possesses a licence. He further rebuked him saying that he was not a respectable gentleman and that it would be hard to find an equal to him in this world meaning that there was not such a cruel hearted man as he. The prisoner evidently thought that he was grossly insulted by a low caste fellow, and his amour propre wounded. He angrily addressed Hala ' You are abusing me as if you are doing to a low caste man' and deliberately aimed the loaded gun at him and shot him dead. Then Hutcha cried out that his brother Hala instantaneously fell down dead. Then Hutcha cried out that his brother was shot by the prisoner. Dabba PW.3 who lives 100 yards from the place heard the report of the gun and also the cries of Hutcha, ran to the spot. Meanwhile the prisoner and other Forest Servants were found running away. Dabba arrested the Forester and another guard and brought them to the temple. The cries brought some villagers to the scene of occurrence. Hutcha sent information to the patel of the village who lived a mile off from the temple. The patel arrived on the spot and sent a report to the Inspector at 10.30 am on 20th January 1918. The prisoner went to another village and sent a report Exp/3 to the Inspector stating that the villagers came and beat him and Forest Servants and that in the scuffle the gun which was loaded was fired that Hala was killed and that he and the Forest Officials were kept under restraint by the villagers. This report was received at 9.40 am., on January 20, 1918. With both the reports the Inspector went to the spot, held the inquest over the dead body and sent it for autopsy. The case was investigated with the result that the prisoner was committed to this Court for trial.

3. The prisoner pleads not guilty and states as follows:-  
 The Forester Fernandez and other Guards took him to Sureguppa for the purpose of collecting people to prepare a mahasar in respect of unauthorised felling of timber. That they all went to Byradevara Temple on the evening of 19th January 1918. A boy was carrying a gun. He caused him to keep the gun inside the temple for he had no license. He gave him a slap on his cheek. He cried out for help. Then the villagers came with a short gun and that in the rustle that ensued among the villagers themselves, a shot was fired from the short gun killing Hala. The Villagers began to assault the Government Servants. They all ran away. He went to a village close by and sent the report EMP/3.

4. It is clear from the two theories set up that Hala died from the effects of gun shot wounds on the evening of January 19, 1918 at Bhyradevara Temple at Sureguppa. The only question to be determined therefore, is which of the theories is true.

The prosecution replies on the testimony of Hutcha PW.1 the brother of the deceased Hala, Bhyra PW.2 the person from whom the gun was snatched, Dabba PW.3 the person who arrived on the scene immediately after the report of the gun, and Malle Gouda PW.4, the Patel to whom Hutcha at once complained that his brother was shot at by the prisoner. The testimony of these witnesses clearly establishes that the prisoner snatched the loaded gun (Article No.1) from the hands of Bhyra after giving him 3 or 4 blows on his cheek though the latter intimated to him that it was loaded, that the deceased Hala interceded on behalf of the poor boy Bhyra who was mercilessly beaten by the prisoner and protested against his arbitrary action, that the prisoner was very much enraged at what he imagined to be an insolent behaviour of a Holeyra towards a Government servant, that he deliberately aimed at and fixed a shot at him from the loaded gun that he had in his hand, that Hala instantaneously fell down dead on the steps where he was standing; that the prisoner and the Forest Officials ran away after he fell down and that two

two Forest Servants were apprehended by Dabbi who came to the spot after hearing the cries of Hutchu and the report of the gun.

The medical evidence shows that there was a penetrating wound on the left cheek of the deceased and the left superior maxillary bone, that three molar teeth of the upper Jaw and the condular processes of the lower jaw were fractured as also the left portion of the sphenoidal bone and that the temporal lobe of the brain on the left side was full of hemorrhage. The death, in the opinion of the medical man who held the autopsy was due to the fracture of the skull caused by gun shot wound.

The whole cheek was charred. The District Medical Officer (PW.5) is of opinion that the shot must have been fired at by a person standing very near the wounded viz., about the distance of a foot; and that the direction of the wound was slightly upwards. The Medical evidence fully corroborates the version given by Hutchu, Bhyra and Dabba. Dabba's evidence shows that he lived very near close to the temple i.e., about 100 yards away from it, that he heard the report of the gun and also cries of Hutchu to the effect that his brother was shot dead by the Police Officer Daffadar meaning the prisoner, that he immediately proceeded to the spot and saw the prisoner running away after the occurrence, that he apprehended the Forester and another guard, that no villager was present then and that some villagers came after hearing the report of the gun.

This witness was examined at the time of inquest. He has given consistent statements throughout. Nothing is elicited to distrust this independent and disinterested witness. His evidence fully corroborates the testimony of Hutchu and Bhyra. Mallegonda PW.4 the Patel appears to be interested in the cause of the prisoner for his evidence shows clearly that he omitted to mention in EXP/1 all the information conveyed by Hutchu and has mentioned what accused told him. Though he was interested yet he was forced to admit that Hutchu sent information to him immediately after the occurrence and told him on the very night all that occurred and that his brother was shot at by

by the prisoner. His statement corroborates the version of Hutcha and Bhyra. The fact that the prisoner ran away after Hala was killed, is admitted and also the fact of the Forster and another guard being arrested on the spot by Dabba. The prisoner was brought by the Patel to the temple before the Police Inspector arrived, on the scene on the strength of Hutcha's statement directly implicating him.

5. Now it becomes necessary to consider the contentions raised by the Advocates on both sides.

Mr. Shankaranarayana Rao for the prisoner has laid much stress on the statements of Hutcha and Bhyra (ExD/1 and D/2) as recorded by the Police Inspector at the time of inquest and argues that those persons did not definitely implicate the prisoner and that there are variations between those statements and their previous statements made before the Court. He, therefore, contends that Hutcha and Bhyra should not be believed. Whereas the learned Public Prosecutor contends that there are reasons to show that the statements of those witnesses were not correctly recorded by the Investigating Officer'. He has dealt on various circumstances which will be discussed presently, to show that the Police Inspector under whom the prisoner was working as his subordinate has been partial to him and has tried to screen the offender and that in the end of Justice no value should be attached to the statements recorded by that Officer.

6. As the matter is a serious one reflecting discredit upon a responsible Officer, every opportunity was given to the Inspector to render sufficient explanation to various circumstances giving rise to adverse comments. After very anxious consideration that I was able to give to the matter, I am in agreement with the assessors and the Committing Magistrate forced to come to the conclusion that the Police Inspector Mr. Syed Amir Ahmad has in trying to help the prisoner, failed to realise his own responsibility as a Government <sup>Servant</sup> and has gone out of his way in not faithfully recording the statements of Hutcha

Hatcha and Bhyra who are the principal witnesses in the case and in introducing some statements that throw a doubt upon the whole case.

The reasons that lead me to this conclusion are shortly these:-

a) While he was ever ready to <sup>send</sup> F.I.R. on the report Exp/3 of the prisoner, he did not choose to send F.I.R. immediately after the receipt of Patel's report Exp/1 which implicated the prisoner, though according to him, the latter report reached him three fourths of an hour later than the former- Exp/3 was received by him at 9.40 AM. and Exp/1 was received at 10.30 AM., on 20.1.1918.

He readily adopted the prisoner's theory and sent F.I.R. under sections 353, 304A and 342 I.P.C. against the villagers. His plain duty was to have sent an F.I.R. under section 302 I.P.C. against the prisoner immediately after the receipt of the Patel's report Exp/1 under section 157 Cr.P.C.

b) Though the prisoner was apprehended and kept in custody by the patrol at the scene of occurrence yet he was not arrested by the Police Inspector though the charge against him was for murder. In fact the prisoner was never arrested and kept in custody by the Police. Column 9 of the charge sheet shows that he was not arrested at all and a mutchalika was taken from him and released on bail on 24th January 1918, i.e., five days after the occurrence. With a view to lay foundation for this procedure the Inspector sends F.I.R. on 21st January 1918 mentioning section 304 I.P.C. which is bailable.

c) For this extraordinary procedure of charging the prisoner under section 304 A I.P.C. the Inspector deposes as follows:- " Nobody implicated the villagers at the time of inquest except the accused. On his own statement I suspected the villagers and mentioned them in the inquest Col. 12. Nobody stated that by accident the shot was fired. I inferred from the evidence of Hatcha and Bhyra that the offence fell under section 304 A, I.P.C. though they did not say that the accused committed the act rashly or negligently. This is not the case of the accused also. I never questioned Hatcha and Bhyra in detail

regarding the offence viz., where they were standing and whether they witnessed the firing etc., . . . . . I never questioned Huteha how the gun was fired and who had the gun in his hand at the time of firing. Though I learnt from Dabba (PF.3) that he heard the cries of Huteha to the effect that the accused shot the deceased, yet I did not directly question Huteha on this point. It is recorded in Bhyra's evidence that some 8 or 10 females came after he was beaten and before the shot was fired. I never made enquiries about this point to find out the truth or otherwise on that day. I did not question Huteha about it though Dabba and Devi the wife of the deceased denied that fact. . . . . I did not make enquiries from those present whether Bhyra informed the accused about the gun being loaded. I questioned Bhyra particularly about this point and got it noted, (That is he noted the negative answer), though I did not question the persons that were actually present." This is enough to shew that he did not care to sift the matter regarding the person who fired the shot that he was careful enough to note the information that Bhyra did not tell the prisoner that the gun was loaded. This, he thought, would save the prisoner in case it is proved that he shot at the deceased. In fact Bhyra denounces this statement as false and says that when the prisoner forced him to hand over the gun and seized it, he told him distinctly that it was loaded. He also refers to other conversation that took place between them regarding this matter. It is but natural to expect a person to inform another who was about to meddle with a gun that the gun was loaded. His deposition when read gives ample indication that he avoided taking down anything that would implicate the prisoner, that he noted several points that would help the prisoner and that his sole object was not to find out the truth but to help his subordinate for whom he had natural sympathy.

a) All the eye witnesses were present at the time of inquest. He did not examine the forest officials though he readily believed the version of the prisoner.

e). Either he must have believed the theory of the prosecution or the theory of the prisoner. He has mentioned in col. 12 (if any persons are suspected who and why) the names of constable D'cor and villagers thereby showing that both the theories may be accepted. He has distinctly shown an inclination to help the prisoner in supporting his theory for which there was no iota of evidence to warrant his procedure.

f). There are such intrinsic improbability in the statements recorded by the Inspector as to throw grave suspicion on their accuracy.

In Huteha's statement ExD/1 the record reads as if two forest servants and the prisoner seized the gun from Bhyra and that when three persons had it in their hands inside the temple the shot was fired.

It is admitted that the boy was shot dead on the steps of the temple.

7. The medical evidence shows that the shot must have been fired very close i.e. at a distance of a foot. How could three persons standing inside the temple fire and kill the boy who was at a distance of many feet from the place where three were standing. How can three fire at the boy? It is not even the case of the prisoner that the forest officials had anything to do with the handling of the gun. The records read as if the deponent did not notice the person that fired the gun and that he heard only the report. As already remarked no question was put to him as to the question person who fired the shot. There is some statement to indicate that there was some rush or galata. The Inspector says that he did not care to enquire what galata it was. Possibly this was written to create an impression that there was some rush and that the shot was fired then. This is evidently to lend some colour to the theory of the prisoner. It is noted in the examination of Dabba on that day as admitted by the Inspector that immediately after the shot was fired, Huteha cried out that his brother was shot at by the prisoner and that Dabba hearing the cries ran to the spot and saw the prisoner

running away. The patel also <sup>says</sup> that Hutcha implicated the prisoner and told him that he also shot at the his brother in the evening of 19th January 1918. Such being the case <sup>is it</sup> it is likely that Hutcha would have given such a vague statement before the Inspector on 20th January 1918. In the incident there is also the statement of Bhyra the elder brother of Bhyra P.W.2 recorded by the Inspector. He has distinctly stated that immediately after the report of the gun he went to the spot and that Hutcha then denounced the prisoner as the murderer of his brother. When the Inspector has recorded all these statements on the same day was it not his duty to put a straight question to Hutcha and to ask him who fired at the deceased. I cannot bring myself to believe that a shrewd Police Officer like the Inspector assisted as he says by the Amildar <sup>or</sup> has not tried to find out exactly how the shot came to be fired. In fact these Officers had gone there for the express purpose of finding out the truth and to find out the culprit. The truth appears to be that Hutcha and Bhyra did come out with their version and that version being very unfavourable to the prisoner whom they wanted to screen for reasons best known to them, the Inspector did not make a faithful record.

9. If what is recorded is believed, there is no evidence implicating directly the prisoner. How then the Police placed a charge sheet in this case? The Inspector was conscious of the fact that Hutcha and Bhyra had given out the true story, that therefore, he was afraid of submitting a B report and that he would help his subordinate indirectly by introducing several inaccurate statements in the record and thus throw doubt on the whole case.

10. As to the Amildar I regret to say that he has perjured himself in trying to support his subordinate Officer's action. In the first place he is according to his own admission, incapable of investigating any case. He seems to be a weak man having no knowledge of Police work. He does not seem to understand his own responsibility as the taluk head of the police. It was his

his duty to have investigated this case especially when the prisoner is the direct subordinate of the Police Inspector and when he is charged with a heinous offence. He went to the scene and remained there for six hours. He ought at least to have recorded the statement of direct witnesses. He has done nothing practically in this case. He admits that he did not question Hutcha, Bhyra and others how the shot was fired, though he says that he put several questions to them. His very object of proceeding to the spot to ascertain the cause of death has not been fulfilled by him. Either he has shown remarkable lack of common sense or he has, for reason already given in discussing the attitude of the Police Inspector sided with that Officer to save the prestige of the Police.

There is nothing in the diary of the 20th January 1918 to show that the Amildar took any part in the examination of witnesses by the Inspector at the time of inquest. He admits that in the report he made to the Deputy Commissioner regarding his visit and his doings on 20th January 1918 he has not mentioned the fact of his examining Hutcha and Bhyra and that in the endorsement he made on the diary of that day he has not mentioned this fact. There is no record of any kind to show that he actually took part

in the examination of Hutcha and Bhyra. In fact the evidence shows that an hour or so after the writing of the inquest was commenced he went to the spot. The inquest report shows that the Hutchas/first witness examined. The recording of statements of Hutcha and Bhyra could not have occupied more than half an hour. It follows therefore, that the Amildar must have gone there after their statements were recorded.

11. The questions put by the advocate for the prisoner to the witnesses regarding their statements contained in the inquest report and several questions put to the Inspector and Amildar showed clearly that the accused's counsel was in full possession of all facts contained in Police records though he admitted that he had not obtained copies of them through Court.

This shows that the Police Officers must have furnished full information to the accused.

22. and  
states that  
the inquest  
had just  
begun  
when he  
arrived at  
the spot.

information to the accused.

This circumstance coupled with the attitude shown by the Inspector and Amildar who is examined as a witness for the defence in readily answering questions put by the counsel for the prisoner and their demeanour in the witness box impressed me and the assessors that the Amildar and Inspector were rather helping the prisoner than the cause of justice.

12. These considerations constrained me to hold that the records made by the Police Inspector are not correct and that no value can be attached to them.

My attention that my opinion is shared fully by the committing Magistrate and the assessors who are intelligent and fair gentlemen and have, I might say, evinced keen interest, in the trial of this case and followed it very intelligently. Their opinion is that Bateha and Bhyra should be believed and that they doubt the genuineness of the statement recorded by the Investigating Officer. Bateha, Bhyra and Bhatia who are simple village folks have all impressed me and the assessors as truthful witnesses and their theory is substantially true and the prisoner must have acted in the manner deposed by them.

13. As to the theory set up by the prisoner I am convinced that it is false. My reasons are shortly these:-

In the first place the introduction of a separate gun alleged to have been brought by the villagers, is an after-thought. It does not find a place in his report R.P/3 sent to the Police Inspector on 19th January 1918 immediately after the occurrence.

In the second place, there is variation between his statement and the statements of his witnesses. He makes out that he never touched the gun and that he compelled Bhyra to keep it inside the temple. Whereas all his witnesses make out that it was he that snatched the gun from Bhyra and kept it leaning against the parapet wall.

In the third place, all the witnesses say that they do not know

know how the shot was fired and killed Hala. It is quite improbable that the villagers who are not named even, could have thought of coming to the spot with a loaded gun to attack Government servants for the sake of a poor Holiya boy. It is equally unlikely that in the wrestle among the villagers themselves they could have fired at Hala.

If this was true, the Police constable like the prisoner would not have run away from the spot and would have taken steps with the assistance of his five comrades to arrest the villagers then and there. The witnesses say that they were wrongfully confined and beaten. The fact that they did not complain to the authorities is proof positive that they are deposing falsely to save their casteman the prisoner who is in trouble.

These considerations lead me to reject the theory of the prisoner as being false.

Agreeing with the unanimous opinion of the assessors I find the prisoner Dossoua guilty of the charge viz., the offence of murder punishable under section 302 I.P.C.

Having regard to the fact that the murder was committed without premeditation, I sentence him to Transportation for life.

Article No.1 will be returned to Bhyra PW.2 after the time for appealing expires.

Pronounced in open Court.

SD. R. Hegappa,  
Sessions Judge,  
30th May 1918.

B. J. R.

'Copy

*R. Hegappa*  
SESSIONS JUDGE,  
Shimoga Division.

SHIMOGA SESSIONS CASE NO. 6 of 1917-18.

Witnesses examined for the prosecution:-

1. Huteha. 2. Bhyra. 3. Dabba. 4. Mallegouda. 5. Mr. Appavu  
-dore Mudaliar (D.M.O.). 6. Dasa. 7. Syed Amir Ahmad (Inspector).

Witnesses examined for the defence:-

1. Mr. Chakrapani Rao. 2. Francis. 3. Putta. 4. Chowda.

Exhibits filed for the prosecution:-

P/1. Patel's report dated 19.7.1918.

P/2. Post Mortem Certificate.

P/3. Report of the accused to the Police Inspector of Sagar 19.7.1918.

P/4. Inquest report columns 12 and 16.

P/5. Sketch of the scene of occurrence.

P/6. Statement of the accused before the Lower Court.

P/6a. Written statement of the accused.

P/7. Entry in the diary of the Amildar dated 20.1.1918.

Exhibits filed for the defence:-

1. Statement of Huteha PW.1 at the time of inquest.

D/2. do. of Bhyra PW.2

D/3. Sketch showing the place where the gun was said to have  
been placed.

Articles produced in the case:-

No.1. A Gun.

-----

SUBJECT.....

Diary No. of letter replied to.....

Section 45

File No. 81-18

Serial No. 2

GENERAL AND REVENUE SECRETARIAT,

( )  
the 191

No.

4106101

Date of issue.....

5.12.18

To

The Commr. in Charge  
The Revenue Dept. of Shimoga

Signed by.....

M. V. S. S. S.

Sr.

With I am directed  
to forward herewith a  
copy of the Judgment  
passed in Civil Appeal  
No. 14 of 1918-19 on the file  
of the Chief Court and  
to request that the same  
be communicated to  
Mr. Chakrapani Rao,  
Amildar Magli of the Sagre

over.

CP  
21/12/18

I ~~ask~~ <sup>and request</sup> that his  
explanation with reference  
to <sup>on</sup> the observations made  
in the judgment regarding  
his work <sup>may be obtained and forwarded to him at an early date -</sup>  
~~may be obtained and forwarded to him.~~

I have etc.

Es  
3/12 For Chief Secy.

867  
3/12

List of enclosure

Copied by

Examined by

OFFICE OF THE REVENUE COMMISSIONER  
IN MYSORE.

No. C224342  
5

Bangalore, 18th January 1919.

21 -

FROM

DIARY No. 91699

K.R. Srinivasiengar, Esquire, M.A.,

Revenue Commissioner in Mysore.

To

Chief  
The Secretary to the Government of  
His Highness the Maharaja of Mysore,

~~XXXXXXXXXXXX~~

SIR,

Referring to your letter No.G.10610 T/cts.81-18-2 dated the 5th December 1918 calling for the explanation of Mr. Chakrapani Rao, Amildar Magistrate, Sagar Taluk, on the observations made regarding his work in the judgment passed in criminal appeal No.14 of 1918-19 on the file of the Chief Court, I have the honour to forward herewith copy of letter No.H.C.700 of 17-18 dated the 13th January 1919 together with its enclosure in original from the Deputy Commissioner, Shimoga District, submitting the explanation of the Amildar. I agree with the Deputy Commissioner that the explanation given by the Amildar for not having taken up the investigation of the case himself is not satisfactory.

I may say here that the confidential reports about this officer have not been favourable. A petition containing certain allegations of corruption etc., has also been received against this officer and it has been sent to Deputy Commissioner, Shimoga for enquiry and report. On receipt of his reply, a further report will be submitted to Government about the desirability of continuing him in his present place.

I have the honour to be,  
Sir,  
Your most obedient servant,

*[Signature]*  
Revenue Commissioner.

B.R. *[Signature]*

R. C. 4

From

The Revenue Commissioner in Mysore.

33691

To Chief  
The Secretary to the Government of  
H. H. the Maharaja of Mysore,  
~~Department.~~

Dated 18th January 1919.

Despatched

Received

General No. C 5-1234-19-18

Enclosure No. 1

---

S U B J E C T .

Re the explanation of Mr.  
Chakrapani Rao, Amildar Magistrate,  
Sagar Taluk, on the observations  
made regarding his work in the  
judgment passed in appeal No.14  
of 18-19 on the file of the Chief  
Court.

-----  
C 5-1234-19-18  
18-1-19  
18-1-19

Letter No.H.C.700/17-18 dated 13th January 1919 from the Deputy Commissioner, Shimoga District, to the Revenue Commissioner in Mysore, Bangalore.

-----  
With reference to your letter No.C.4451 dated 7th June 1918 and docket No.C.2243 dated 9th December 1918 forwarding copies of judgements passed in Shimoga Sessions Case No.6 of 1917-18 (Government Vs. D'Souza Police Constable) and in Criminal appeal No.14 of 1918-19 on the file of the Chief Court respectively and requesting to obtain and submit with my opinion the explanation of Mr. Chakrapani Rao, Amildar, Sagar taluk on the observation made against him in the above judgements, I have the honour to submit herewith the explanations given by Mr. Chakrapani Rao in his memo sent with letter No.87 dated 11th/12th August 1919 and memo dated 6th January 1919.

2. The observations of the Sessions Judge against Mr. Chakrapani Rao are contained para 10 of his judgement and allege (1) that it was the Amildar's duty to have investigated the case himself as the prisoner was the direct subordinate of the Police Inspector, (2) that he ought to have recorded at least the statements of direct witnesses, and (3) that there is nothing in his diary for the 20th January 1918 to show that he took any part in the examination of witnesses Hucha and Bhyra, and (4) that he has purjured himself in trying to support his subordinate officer's action. The Chief Court confirm this by remarking at the end of their appellate judgment, "In conclusion we regret to observe that the Amildar (the Defence First witness Mr. Chakrapani Rao) failed in his duty as Head of the Taluk Police in not himself undertaking the investigation of a serious case of this kind in which a First class Police Constable was accused of committing a murder; his explanation that he "thought the Inspector's investigation was as good as myself (sick)" is no explanation at all for so glaring a neglect of duty on his part"

3. A perusal of the entire records in the case, including

Mr. Chakrapani Rao's

Mr. Chakrapani Rao's statement before the Sessions Court, his explanations now offered and the judgements of the Sessions and Chief Courts leave no room to doubt that Mr. Chakrapani Rao failed in his duty in not himself investigating this important case against a Police Constable, taking it away from the hands of the Police Inspector. He says he examined the principal, witnesses including Bhyra, Hucha and Dabba, and if so, the examination could only have been perfunctory as there is every reason to suppose that they said that the accused had shot Hala which most important fact he failed to get recorded. His remarks against the Sessions Judge in his explanatory memo are out of taste and betray his inability to appreciate official values. While I am not prepared to endorse the view that he has perjured himself, the record is to me conclusive of his incapacity to handle efficiently the investigation of such an important murder case.

The copies of judgements received with the references under reply are herewith returned.

-----

" C o p y "



For Revenue Commissioner.

B.R

AM

Subscribed

On the 20<sup>th</sup> January 1918 at about 11 A.M.,  
the Inspector of Police informed me that  
a report had been received stating that  
a man was shot dead at Suraguppe.  
I told him that I would start for the place.  
While I was preparing, information reached  
me that the Advance party of the Inspector  
General of Police had arrived at the Travellers  
Banglow. Being close by, I immediately  
repaired to the spot; saw Mr. Loksham Rao  
gave instructions to the Banglow servants  
and having informed Mr. Loksham Rao,  
of the errand and place where I was bound to,  
I proceeded to the village of Suraguppe. By  
the time I was there, the Police Inspector  
was there and he had just begun the  
Inquest. The villagers had assembled near  
the temple, where the body of the deceased was  
lying in a pool of blood. The moment I  
went there, I examined the body, took notes  
of what I observed in my diary, took a  
seat near the body and kept the side of the  
Inspector, who was picking up the various

various columns of the Inquest report.  
Till the whole report was completed, I was by  
his side. By the time, the whole was completed  
it was nearly 8 P.M. and then I got a/cart  
and saw the body dispatched to the sink—  
Assistant Surgeon Nagar for Post mortem.  
I left the place, had to halt in the middle  
and reached Nagar early ~~in the~~ morning;  
just in time to <sup>see</sup> respects to Inspector General  
of Police, I represented to him the whole  
facts of the case, and with his permission,  
I left the place to allot where my presence  
was required by the Forest Settlement officer.

When I returned in the evening, I learnt that  
the District Superintendent of Police and  
the Police suspected who had proceeded to the  
spot had returned. This is all I know of the case.

All the important witnesses were examined  
before <sup>me</sup> and there was no reason for me  
to suspect any foul play.

In this connection I beg to state that I  
regret very much for having drawn me  
to the necessity of divulging the conversation  
that took place between the Judge and  
myself in his Chambers, which is of a

a Confidential nature. I have no alternative but to ~~come~~ to black and white as I have been forced by circumstances to explain my conduct though of an innocent character. I have no other motive save this. I therefore beg that I may be pardoned if it is thought that I am out of my limits and permit me to do so; even in so doing, I do so with the greatest respects to the judge -

He asked me publicly even before he had entered the Chambers as to why I did not take up the investigation. I submitted to him that all the important witnesses were examined before me. Their statements were recorded in my presence and that I had attested the Inquest report. By this time he reached the Chambers and I went to the Court Hall and was hearing there.

In the space of a few <sup>minutes</sup> ~~seconds~~, the judge took his seat and before the trial commenced, he pounced upon me and demanded of me as to why I did not go to the village on the 19<sup>th</sup> instant. I submitted that the occurrence took place on the 19<sup>th</sup> night and that

That information was received on the 20<sup>th</sup>  
morning and so I went on the 20<sup>th</sup>. He  
doubled my statement and said that no  
mention of my having gone to the village  
on that date was made in the special diary.

The Suspect who was in the Court represented,  
that he has made mention of it in the special  
diary. The judge <sup>looked</sup> ~~looked~~ into the special diary  
and then remarked to me "you went there as  
a casual visitor I suppose". Some time  
after he again sent for me to his Chambers  
and asked me as to whether the defence witnesses  
were ready. I represented to him that the  
witnesses referred to were all of the Forest  
Department and as such the Summons did  
not pass through me and so I am not aware  
of their movements. In this connection he  
was pleased to remark as a Head of the Palace  
I am supposed to know all these things. I replied  
that as the Conservator of Forests was in the  
Palace, it was not possible for me to know  
their movements - and then told me that my  
having appeared as a defence witness is  
awkward, and so I should request the

excuse to dispense with my evidence. I  
represented to him that he may misunderstand me. Yet the judge

3.

pressed me to see the accused in the matter. He accused  
 denied to grant my request and then  
 I was again instructed by the judge to speak  
 to Mr. Shankarnarain Roy. In short the  
 judge did not want me to appear as a defence  
 witness. I do not like to reduce to black and  
 white in detail how the judge threatened  
 me for having appeared as a defence witness.  
 In short he told me that I should not, at  
 all costs, appear as a defence witness, if I did  
 so, he told me in clear terms that he would  
 not only pass remarks against me but  
 would also report against me. Being a  
 subordinate, I am reluctant to state the  
 treatment I had from him in his chambers.  
 I lost my presence of mind and being much  
 frightened brought all these facts to the  
 notice of my superior officers there.

The prosecution was closed on the 10<sup>th</sup> instant  
 the judge could have very well examined me  
 on that date - if not the next morning.  
 Instead of so doing, he kept me waiting  
 till the 13<sup>th</sup> instant, when he told me that  
 the case had been adjourned to the 22<sup>nd</sup> May.  
 I was again sent for <sup>to</sup> the Chambers where  
 I was told that I should not appear on the

223. I have thus placed these facts  
for your kind information.

1. The Judge says that I have perjured  
myself to save the Prestige of the Police.  
This remark of the judge is only an inference  
drawn from the statement of 2 witnesses  
on whom he relies. The two witnesses viz  
Huseha and Begra gave a certain version  
before me at the time of the Inquest but  
without any regard to what they said,  
Changed their version before the Commissioning  
Magistrate directly opposite to what they  
said before me

Believing these two witnesses, the judge  
has come to the Conclusion that the Inquest  
is not a faithful record. But I humbly  
beg to submit that there are natural  
causes which beyond doubt will go to  
show to establish that the inference drawn  
cannot be upheld.

1. It is an admitted fact that the occurrence  
took place on the 19<sup>th</sup> night; the information  
reached the Police on the 20<sup>th</sup> at 10-30 A.M.  
That the Inspector General of Police  
would arrive at Legat on the 21<sup>st</sup>;  
when I was preparing myself to start

to Suraguppe, information reached me that the advance party of the Inspector General of Police had arrived at the Baingalon. Being close by to the Travellers' Bainglon, I immediately proceeded to the place, saw Mr. Lokshankar, made arrangements for his convenience and for the Inspector General of Police on the next morn and having informed him of the call and the place to which I was bound. I proceeded to the place. Granting for purposes of argument, that the Inspectors are merely sent there with the object of helping the accused, is not this alone circumstance a sufficient warning for both of us to be careful?

Could we regard false seducents - There is every probability of the Inspector General of Police himself proceeding to the spot owing to the peculiar circumstances of the case, failing, the District Superintendent of Police is sure to visit the spot and examine the witnesses. Added to it, the probability of his bringing Muteha and Bagra to the Inspector General of Police. In the face of these warnings, is it possible for one

to Confess that the Enquest Report is an unfaithful record.

2. On the 21<sup>st</sup> Morning after paying my respects to Inspector General of Police who was very anxious to know the details, I placed before him the sum and substance of the Enquest report (District Superintendent of Police was also present).

With the permission of the Inspector General of Police, I left Sagar to allow the Moolkee Forest Settlement officer, knowing full well that the District Superintendent of Police was to visit the village in the afternoon.

If really I had made an unfaithful record, I should have gone with the District Superintendent of Police and not to Moolkee. This will clearly prove my innocence apart from that of the Inspector. The District Superintendent of Police himself told me in the evening after his return, the result of his visit. If really there was a difference in the statements, I should have been called upon to explain them and there. Besides, these two witnesses were at the Travellers' Bungalow that evening.

3. The special diaries embodying the

5

The statements of these two witnesses were submitted to the District Superintendent of Police, then at least, he would have remarked on the variances and called for explanation.

I further beg to state that the Inquest was held in the public place where all the villagers had assembled and in his presence and hearing, the Inquest Report was drawn up and whether it is possible for one to record one statement different from the which was given and read out to them a different one is a matter for kind consideration -

I beg to state that if we had done so even without carrying the presence of higher officers on the spot, I am sure not only villagers would have run to them and sent petitions to the officers, taking into consideration the high feeling in which the villagers had been placed by the conduct of the accused. These two witnesses Hudeba and Byra have admitted before the Court my presence at the Village on the day of the Inquest.

It is said that I have not mentioned in the diary of the 20<sup>th</sup> January 1918 that I took part in the examination of witnesses

by the Inspector at the time of Inquest etc.

He/ I also special emphasi. and Remarks that I have not mentioned the part taken by me in the Inquest report. As a special diary in the Police Department is submitted in detail, I never thought that it was necessary for me to mention this in my Revenue diary.

It is remarked that I admitted my incapacity of investigating the case. I regret very much that as far as my memory goes, which till now has not failed me, I have never admitted.

I have not made such a statement.

I did not appear as a defence witness out of my free will - I was forced by the accused to appear on his behalf as a defence witness.

The questions put by the defence Counsel on behalf of the accused were questions of a very simple nature which even a child could not take time to answer. There was no reason for me to take time to answer his questions as they all related to only to (1) whether I had been to the spot. (2) whether the Inquest was held in my presence etc. It did not require any thought so I answered them. From this if it is inferred that

6 That I am helping the prisoner and not the  
Cause of the Justice. I do not know ~~what~~  
other attitude I had to take under those  
circumstances. If frauding for purposes  
of argument that I had taken time to answer  
these simple questions, knowing full well the  
impression, the judge had already formed of me,  
the judge would have certainly jumped  
to the Conclusion, and pronounced that  
I never went to the spot.

~~In~~ In Conclusion I submit that I  
have placed all these facts then and there  
before the then Inspector General of Police  
Mr. K. R. Sreenivasa Iyer who happened to  
be on the spot with the District Superintendent  
of Police.

I have not done anything against the  
Cause of Justice - I have not supported  
the accused in his conduct anywhere nor  
have I shown in any record that he is not  
guilty.

In short, I am <sup>submit</sup> thoroughly innocent.

M. Chellappa

Amirson

L. S. G. S. S. S.